

# Office of Environmental Health Hazard Assessment

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Agency Secretary

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Arnold Schwarzenegger  
Governor

December 17, 2004

Dear Interested Party:

The Office of Environmental Health Hazard Assessment (OEHHA) has changed its process for prioritizing chemicals for review for possible listing by the state's qualified experts under Proposition 65. The document describing this new process – entitled "Process for Prioritizing Chemicals for Consideration Under Proposition 65 by the State's Qualified Experts" – is effective today. It replaces the previous random selection process, outlined in a May 1997 document. The new process will be applied to all the chemicals currently prioritized as HIGH or draft HIGH toxicity concern, and to those that will be prioritized in the future. It will remain in effect until modified or replaced.

Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986 (California Health and Safety Code section 25249.5 *et seq.*), requires the Governor to publish a list of chemicals known to cause cancer or reproductive toxicity. One of the mechanisms by which a chemical is placed on this list is a finding by the "state's qualified experts" that a chemical "has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity" (Health and Safety Code section 25249.8(b)). As the lead agency for the implementation of Proposition 65, OEHHA administers the Science Advisory Board (SAB), which includes two committees of independent scientists and health professionals who are appointed by the Governor to serve as the state's qualified experts. These committees are the Carcinogen Identification Committee (CIC) and the Developmental and Reproductive Toxicant Identification Committee (DART IC).

The document being released today describes the process that will be used by OEHHA staff to identify and prioritize chemicals for evaluation by the CIC and DART IC. The process is designed to ensure that the efforts of these committees are focused on chemicals that may pose significant hazards to Californians. As with the previous process, the new procedures include multiple opportunities for public input.

The new prioritization process is the result of a two-year effort: OEHHA published two draft documents, developed by an OEHHA workgroup that included members of the CIC and DART IC, and conducted two public comment periods and a public workshop. Finally, the prioritization process outlined here was discussed with and endorsed by the CIC at its

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California Environmental Protection Agency

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November 1, 2004 public meeting and the DART IC at its November 4, 2004 public meeting. Both committees received additional public comment at their respective meetings.

OEHHA believes that this new prioritization process is a significant improvement over the former process. Under the new process, chemicals will no longer be selected at random for further review and prioritization. Instead, OEHHA will review candidate chemicals using scientific criteria, solicit public comment, and receive advice from the CIC and DART IC prior to selection of chemicals for review for possible listing by these committees. OEHHA believes this new process provides for a stronger scientific basis for the prioritization of candidate chemicals. We thank you for your continued interest and participation in the Proposition 65 process.

Joan Denton, Ph.D.  
Director